

**Notice of Allowability**

Application No.

09/859,719

Examiner

Frantz F. Jules

Applicant(s)

MIX ET AL.

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address–

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08/30/04.
2. ☒ The allowed claim(s) is/are 1-6, 8-10, 18, 20 and 21.
3. ☒ The drawings filed on 05/16/2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### REASON FOR ALLOWANCE

1. Morton discloses an apparatus that includes a lenticular screen that is positioned in front of a separate interchangeable image bearing member. The image bearing member is fixed and spaced apart relative to the lenticular screen. Kumagai discloses an image display device that includes a lens group, a frame body that support a carrier, a light source that is parallel to the base. The lens group, the frame body and the image carrier are spaced apart from each other while the image carrier and the frame body are elevated by a stepper motor. Charmor discloses a gas fired heating appliance that includes a simulated flame or visual effect provided behind a heat resistant screen positioned at a rear of the combustion region of the fireplace. A ribbon or slit type device is used to simulate a flame or fire that is movable via air flow from a blower, or a fabric tube, fibre optic, holographic, plasma discharge tube, or an immiscible oil display device. Martin et al discloses an electric fire place comprising a flame simulation assembly with light randomizer, a light filter screen and a light diffuser screen. However, none of the references of record suggests a fireplace for simulation of a fire, wherein an image layer is disposed on a lenticular lens layer to simulate a fire in the manner defined in the instant claims 1, 4, 6, 18 and 21 and in combination with other limitations of the claims. Also, none of the references of record suggests a fireplace wherein electric terminals operatively connected to the electrically conductive panel for applying a voltage across the electrically conductive panel to heat the front wall and convert the phase change material from an opaque solid to a less opaque liquid to allow viewing through the front wall is provided in the manner defined in the instant claims 8

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and 20 and in combination with other limitations of the claims. Therefore, claims 2-3, 5, 9-10, depending therefrom, are considered to be allowable.

**Conclusion**

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz F. Jules whose telephone number is (703) 308-8780. The examiner can normally be reached on Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph S. Morano can be reached on (703) 308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frantz F. Jules  
Primary Examiner  
Art Unit 3617

FFJ

October 28, 2004

**FRANTZ F. JULES**  
**PRIMARY EXAMINER**

A handwritten signature in black ink, appearing to read 'Frantz F. Jules', is written over a horizontal line.

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